

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DEBBIE L. TREZVANT, TIMOTHY CAHILL,
DEBORAH CHERYL ARCH,
JOHN SWEENEY, JR., BRIE BASILIERE,
RUSSELL BROZ, JANE VINCENT,
LINDA BIRON, LAURENCE SOTT,
DEBRA MCDONALD-MUSTO,
LANCE MILNER, THOMAS WALTERS,
SYLVIE PARE-LALIBERTE, and
JENNIFER RAMBIN,

Plaintiffs,

v.

FIDELITY EMPLOYER SERVICES
CORPORATION, FIDELITY EMPLOYER
SERVICES COMPANY LLC, and FMR CORP.,

Defendants.

CIV. NO. 05-10673 WGY

**EMERGENCY MOTION OF DEFENDANTS FOR DEFAULT JUDGMENT
AGAINST PLAINTIFFS WHO HAVE REFUSED TO PARTICIPATE IN DISCOVERY**

Defendants Fidelity Employer Services Corporation, Fidelity Employer Services Company LLC, and FMR Corp. hereby move pursuant to Rule 37(d) for default judgments against Plaintiffs Brie Basiliere, Lance Milner, Sylvie Pare-Laliberte, Jennifer Rambin, John Sweeney, Jr., and Thomas Walters for their failure and refusal to appear for their properly noticed depositions or to produce documents in response to properly served discovery requests.

The grounds for this motion are more fully set forth in Defendants' Memorandum of Law in Support of Their Emergency Motion for Default Judgment Against Plaintiffs Who Have Refused to Participate in Discovery, filed contemporaneously herewith.

Respectfully submitted,

FIDELITY EMPLOYER SERVICES
CORPORATION, FIDELITY EMPLOYER
SERVICES COMPANY LLC and
FMR CORP.,
By their attorneys,

/s/ Richard L. Alfred

Richard L. Alfred (BBO # 015000)
Brett C. Bartlett (admitted *pro hac vice*)
Krista G. Pratt (BBO # 644741)
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Dated: July 11, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document was filed through the Court's ECF system and that a true copy of the above document was served on Ira Spiro, Esq. counsel for Plaintiffs, by first class mail on July 11, 2006.

/s/ Barry J. Miller

Barry J. Miller

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.1

I, Barry J. Miller, hereby certify that counsel for Defendants have complied with the obligations of Local Rule 37.1 by conferring with counsel for Plaintiffs in an effort to narrow the areas of disagreement presented by this motion to the greatest possible extent. As detailed in the accompanying affidavit, counsel for Defendant has conferred with counsel for Plaintiffs, including telephone conferences with Ira Spiro, Esq. and J. Mark Moore, Esq., on July 6 and 7, 2006.

/s/ Barry J. Miller

Barry J. Miller